

REMARKS

Claims 1-6 and 12-15 are currently pending. Claims 8-11 are cancelled, claims 1-6 amended, and claims 12-15 newly added. **In the Office Action:** Claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by Takahashi (U.S. Patent No. 6,918,660). Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Takahashi in view of Yamada (U.S. Patent Publication No. 2002/0130926). Claims 4 and 6 were rejected under 35 USC 103(a) as being unpatentable over Takahashi in view of Murai (U.S. Patent Publication No. 2002/0008743). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Takahashi in view of Nishi et al. (U.S. Patent Publication No. 2003/0011660).

In reply to the rejection of claims 1 and 2 under 36 U.S.C. 102(b) as being anticipated by Takahashi, the Applicants respectfully request reconsideration. Claims 1 and 2 recite "...a through-hole formed through the actuator and the spacer reaching the ink passage...", wherein a "...portion of the spacer forms an upper surface of [the] ink passage...", a "...portion of the chancel plate forms a sidewall of the ink passage...", and a "...portion of [a] nozzle plate forms a bottom surface of the ink passage..."

Takahashi relates to an ink ejecting device, as specified in the title. However, Takahashi does not disclose a through-hole formed through the actuator and the spacer reaching the ink passage, wherein a portion of the spacer forms an upper surface of the ink passage, a portion of the chancel plate forms a sidewall of the ink passage, and a portion of a nozzle plate forms a bottom surface of the ink passage. Specifically, Figure 12 (and the associated disclosure in columns 6 and 7) of Takahashi does not disclose a

ink passage having an upper surface, sidewalls, and bottom surface defined by a spacer, channel plate, and nozzle plate, respectfully.

Accordingly, a *prima facie* case of anticipated has not been established in the rejection of claims 1 and 2 under 35 U.S.C. 102(b) because Takahashi does not disclose all of the claim recitations. At least for this reason, the Applicants respectfully request withdrawal of this rejection.

In reply to the rejection of claim 3 under 36 U.S.C. 103(a) as being unpatentable over Takahashi in view of Yamada, the Applicants respectfully request reconsideration. Claim 3 recites "...a through-hole formed through the actuator and the spacer reaching the ink passage...", wherein a "...portion of the spacer forms an upper surface of [the] ink passage...", a "...portion of the chancel plate forms a sidewall of the ink passage...", and a "...portion of [a] nozzle plate forms a bottom surface of the ink passage..."

For similar reasons as discussed above, Takahashi does not teach or suggest these claim recitations. Further, Yamada does not alleviate these deficiencies of Takahashi.

Accordingly, a *prima facie* case of obvious has not been established in the rejection of claim 3 under 35 U.S.C. 103(a) because neither Takahashi nor Yamada teach or suggest, alone or in combination all of the claim recitations. At least for this reason, the Applicants respectfully request withdrawal of this rejection.

In reply to the rejection of claims 4 and 6 under 36 U.S.C. 103(a) as being unpatentable over Takahashi in view of Yamada, the Applicants respectfully request reconsideration. Claim 4 and 6 recite "...a through-hole formed through the

actuator and the spacer reaching the ink passage...", wherein a "...portion of the spacer forms an upper surface of [the] ink passage...", a "...portion of the chancel plate forms a sidewall of the ink passage...", and a "...portion of [a] nozzle plate forms a bottom surface of the ink passage..."

For similar reasons as discussed above, Takahashi does not teach or suggest these claim recitations. Further, Murai does not alleviate these deficiencies of Takahashi.

Accordingly, a *prima facie* case of obvious has not been established in the rejection of claims 4 and 6 under 35 U.S.C. 103(a) because neither Takahashi nor Murai teach or suggest, alone or in combination all of the claim recitations. At least for this reason, the Applicants respectfully request withdrawal of this rejection.

In reply to the rejection of claim 5 under 36 U.S.C. 103(a) as being unpatentable over Takahashi in view of Nishi et al., the Applicants respectfully request reconsideration. Claim 5 recites "...a through-hole formed through the actuator and the spacer reaching the ink passage...", wherein a "...portion of the spacer forms an upper surface of [the] ink passage...", a "...portion of the chancel plate forms a sidewall of the ink passage...", and a "...portion of [a] nozzle plate forms a bottom surface of the ink passage..."

For similar reasons as discussed above, Takahashi does not teach or suggest these claim recitations. Further, Nishi et al. does not alleviate these deficiencies of Takahashi.

Accordingly, a *prima facie* case of obvious has not been established in the rejection of claim 5 under 35 U.S.C. 103(a) because neither Takahashi nor Nishi et al.

teach or suggest, alone or in combination all of the claim recitations. At least for this reason, the Applicants respectfully request withdrawal of this rejection.

Conclusion

Applicant believes that a full and complete response has been made to the Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D H Sherr', with a stylized flourish at the end.

Daniel H. Sherr
Reg. No. 46,425

Sherr & Nourse, PLLC
620 Herndon Parkway
Suite 200
Herndon, Virginia 20170
Tel: 703-673-1141
Fax: 703-935-8473